

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

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|-----------------------|---|---------------------|
| STATE OF WASHINGTON, |) | |
| |) | No. 61257-3-I |
| Respondent, |) | |
| |) | |
| v. |) | DIVISION ONE |
| |) | |
| DONALD CLAYTON JONES, |) | UNPUBLISHED OPINION |
| |) | |
| Appellant. |) | FILED: May 26, 2009 |

PER CURIAM. Donald Jones appeals his conviction for third degree assault. He contends the jury source list statute, RCW 2.36.055, and King County Local General Rule 18(e) (KCLGR) violated his state constitutional right to a “jury of the county” by allowing his jury to be drawn from only a portion of King County. He also argues that KCLGR 18(e) violated his constitutional and statutory right to a jury representing a fair cross section of the community because it results in the systemic exclusion of a distinctive group from jury service.¹ These arguments are controlled by the Washington State Supreme Court’s recent decision in State v. Lanciloti, 165 Wn.2d 661, 201 P.3d 323 (2009).

Lanciloti held that the jury source list statute does not violate the right to a “jury of the county.” Lanciloti, at 663. The Court also held that Lanciloti’s argument regarding the systemic exclusion of groups from the jury pool was “unripe” because of “the scant factual record of the actual makeup of the jury source lists.” Lanciloti, at 672. The same is true here. If anything, the record regarding the makeup of Jones’ jury

¹ KCLGR 18 was suspended effective September 1, 2008.

venire is even less developed than the record the court found insufficient in Lanciloti.

Accordingly, Jones' constitutional argument fails and his other claim is not ripe for review.

Affirmed.

For the court:

Jane, J.
Dwyer, A.C.J.
Grosse, J.